THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.18345 OF 2006

DATED: 21-06-2007

BETWEEN

Pepakayala Srinubabu,
S/o. Chakram,
Occ: Business,
R/o. G. Ragampeta,
Peddapuram Mandal,
East Godavari District.

...PETITIONER

AND

The District Collector cum
District Magistrate,
East Godavari District.
Kakinada and another.

...RESPONDENTS

ORDER:

Petitioner submits that the Government after framing Andhra Pradesh Excise (Lease of Right of Selling by Shop and Conditions of Licence) Rules, 2005 (for short 'the Rules') called for tenders of the intending persons to conduct business in Indian Made Foreign Liquor for a period of two years from 01.07.2006 to 30.06.2008 and he became the highest bidder in respect of Shop No.1 of 17th Ward of Samalkot Municipality. Thereafter, the Government issued another Gazette Notification dated 30.08.2006 proposing to relocate the shop at Sl.No.221 of Rangampeta to Samalkot municipality in addition to the 7 licences already issued as per the original notification. Questioning the said relocation of one more shop in Samalkot Municipality by getting it from some other Mandal, petitioner filed this writ petition.

2. This Court while admitting the writ petition granted interim stay of the auction of the re-notified shops.

3. Learned Government Pleader appearing for the respondents submits that the subject matter of the writ petition is squarely covered by the judgment of this Court in W.P.No.215 of 2007 dated 01.03.2007 wherein it has been held that a shop notified in one Mandal cannot be permitted to be relocated to another Mandal as per the existing rules. If any shop is not disposed of, in one part of the Mandal, it is open for the department to take appropriate action for the sale of liquor in the said outlet of the notified area but the same cannot be permitted to be relocated outside the Mandal.

Having regard to the facts and circumstances of the case and following the aforesaid judgment, the writ petition is accordingly allowed. There shall be no order as to costs.

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V. ESWARAIAH, J

June 21, 2007
DSK